

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 ) Confirmation No.: 1798  
 Fumitsugu FUKUYO et al. )  
 )  
 Application No.: 10/507,392 ) Group Art Unit: 2892  
 )  
 ) Examiner: Elias Ullah  
 Filed: April 8, 2005 )  
 )  
 For: LASER PROCESSING METHOD )

Commissioner for Patents  
 U.S. Patent and Trademark Office  
**Customer Window Mail Stop: ☒ Amendment**  
 Alexandria, VA 22314

Sir:

**INFORMATION DISCLOSURE STATEMENT (IDS)**

☒ **Under 37 C.F.R. § 1.97(b):** Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. U.S. Patent No. 5,786,560 was cited in a European Office Action dated July 16, 2009. The other cited references are pending applications or issued patents that the Examiner may find of interest in the present application. Applicants note that Published U.S. Patent Application No. 2006/0148212 (i.e., U.S. Patent Application No. 10/537,509, filed on November 30, 2005) and an Office Action dated August 19, 2008 issued therein was previously cited in an Information Disclosure Statement filed on September 16, 2008 in the present application, and particularly note that the August 19, 2008 Office Action contained a double-patenting rejection that cited the present application.

To the undersigned's knowledge, this IDS is being filed before the mailing date of a first Office Action on the merits, before the mailing date of a first Office Action on the merits after filing an RCE under § 1.114, or within three months of the application filing date.

☐ **Under 37 C.F.R. § 1.97(c):** Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. This IDS is being filed after the events recited in § 1.97(b) but, to the undersigned's knowledge, before the mailing date of a Final Office Action, a Notice of Allowance, or another action that closes prosecution in the application.

- ☐ The fee of \$180.00 set forth in § 1.17(p) is included herein; or  
☐ Applicant submits that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☒ A European Office Action or other listing of documents from a counterpart, related, or other application dated July 16, 2009 and having documents cited therein is attached for the Examiner's consideration. Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

Although the European Office Action dated July 16, 2009 additionally cites to H4-111800, this document is not listed because it was previously cited in an Information Disclosure Statement in this application on April 4, 2006.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicant reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this Application, including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required and including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**



John V. Smith

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Dated: September 28, 2009

**CUSTOMER NO. 055694**

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